

**Naples Planning and Land Use
Public Meeting
January 26, 2016**

Commission Present: Andrew Bentley, Szeth Simmons, Mark Partridge, Cresta Slaugh

Commission Absent: Chris Clark, Mishelle Rowell

Others Present: Joshua Bake, Heidi Lundberg, Ken Reynolds, Shannon Karren, Mayor Baker, Dale Petersen, and Jeff Durham

Verification of full Quorum Mark Partridge verified a full quorum. Mark Partridge will abstain from voting in tonight's meeting.

Approval of Agenda

Cresta Slaugh motions to approve the agenda for the January 26, 2016 meeting, Szeth Simmons seconds the motion

All in favor:

Cresta Slaugh	Aye
Andrew Bentley	Aye
Szeth Simmons	Aye

Motion carried with all voting Aye.
None opposed.

PLANNING

Conditional Use Permit for 5D Recycling:

Joshua Bake explained the unique situation with 5D Recycling. They have sold their property and will be out by the end of March. After that meeting we had investigators from the State came in and asked if 5D was capable of getting a business license. We said yes they are, and explained the whole situation. They said they understood, however with their investigation they asked what they needed to do to get the license. Even though they are moving in two months it helps on their end and on the business owner's end as well. Joshua met with the city attorney and discussed it would be ok to call a special meeting to talk about the conditions that would be proper if the commission did want to request a recommendation for a conditional use permit to be send to council. Joshua turned the time over to the owner of 5D Recycling.

Jeff Durham from 5D recyclers presented his findings from notifying neighbors within 1000 feet of the business. Most of the owners did not realize the business was there and didn't make a fight with it. The only thing mentioned was the smell coming from Nalco and that was an issue. Jeff Durham said the reason no other businesses knew 5D Recycling was there was because they don't take peddlers, they only deal with corporations or companies.

Mark Partridge asked when the business went in. Jeff Durham replied saying July of 2015. Mark asked why we need to issue a conditional use permit now. Jeff Durham said it was because of the state. The state requires the business owner to have a conditional use permit by the city of Naples so they can have their state license. Even when they get to their new place, they will need to have another conditional use permit to keep the state license legal. They were unaware they needed a state license. They are seeking the conditional use permit so they are lawful with the city, county, and state.

Andrew Bentley asked if it was an oversight they didn't get a permit before. Jeff Durham wasn't aware of the state law requiring a conditional use permit. He has been working with Joshua Bake and has paid for their business license. Andrew asked if the conditional use permit was not required by Naples City. Joshua Bake said it is, one of the requirements of the conditional use permit is the business has 12

months to comply with all the conditions of the approval. When they initially met with Joshua their property was probably going to be sold and looking at another place. Joshua said this is something that should not happen in the future, we're taking measures to make sure this doesn't happen again. Even though they have a year to comply, they should comply on day one.

Mark Partridge asked if the state was going to make 5D Recycling do this all over again once they move. Jeff Durham replied saying as long as they have the conditional use permit, their state licensing is valid. If the conditional use permit lapses then the state licensing lapses also.

Cresta Slaugh stated that when he moves he will have to get another conditional use permit from county or city when he moves.

Joshua Bake clarified that even if he moved next door he would have to get a new conditional use permit for that property.

Mark Partridge was confused why we have to grant the conditional use permit if he is leaving in two months. Shannon Karren replied saying a competitor complained and asked about their state license. Even though he is selling the property he needs to get a conditional use permit now to get his state licensing. Jeff Durham clarified that he is not selling the business, only the property. He did not know the state required the conditional use permit to have another license.

The state stepped in and found out they didn't have their state licensing, even though by the end of March he is selling the property, he still has to have it state certified.

Joshua Bake listed the recommended proposed conditions for this conditional use; they came from a similar business. They are:

1. The permit expires on March 31, 2016 and the business will cease operations at their location
2. No visible material stored in the yard may be seen from any public street, including Hwy 40. (This satisfies 02-28-004, the 8 foot fence requirement.)
3. The property must be cleaned up by March 31, 2016
4. _____ parking spaces (to be used by customers and employees).
5. 100% storm water retention. Storm water must not be directed onto neighboring properties, the public street, or the canal to the south.
6. Any exterior lighting will be directed away from neighboring properties.

Andrew Bentley asked if salvage and wrecking yards are a conditional use we want to continue with. Joshua Bake replied saying unless there is a time frame, the permit is good forever. It is important to look at all those conditions and the importance they have in making them go. Also, case law is clear, if it is a conditional use it is a granted use with conditions.

Andrew Bentley asked if granting this conditional use would set any precedents saying they allowed us to do it last year like that why can't we do this year under the same terms. Joshua Bake responded saying not necessarily, the conditions set on the other industries are pretty adequate in what we require in our industrial zones. We are safe with this one because we put a deadline when it ends. The highest recommended condition is the business must be cleared out by March 31st, according to Joshua's conversations with Mr. Judd.

The commissioners discussed the fencing around the property already. Joshua Bake said since they don't front a public street we want to put a condition that no visible material can be seen from Highway 40. Andrew Bentley asked if a pickup truck would be considered material. Joshua said a pickup truck is not necessarily tied to this type of business, any salvage material would not be allowed to be seen from Highway 40.

Mark Partridge asked about the 100% water retention and if it was put in there to cover the city. Joshua agreed. Shannon Karren said the property has been included in the storm water retention plan that Nalco put in. Jeff Durham mentioned they got a visit from the EPA and they said the property is set up the way it needs to be.

Andrew Bentley asked 5D Recycling to clarify how many parking spaces they currently have. Shannon Karren replied saying there is about 30, 2 ½ acres of space.

Mark Partridge asked if 5D Recycling was going to be continuing their business, accepting more stuff until March 31st when they have to have everything moved. Jeff Durham said they will be accepting new stuff, but the front will not be used to accept, but we will take stuff behind the building and inside the building. Jeff Durham mentioned they don't keep much onsite, once it is processed get it out. Mark Partridge asked if everything will be cleared out March 31st. Jeff Durham agreed. Joshua Bake mentioned it needs to state designated parking spaces, not just parking spaces.

Cresta Slaugh asked how many employees are working for 5D Recycling. Jeff Durham replied saying they have 5 employees. Mark Partridge asked commissioners if 10 parking spaces would be good for the designated parking spaces. Commissioners agreed 10 parking spaces would be good.

Mark Partridge asked if there were any other questions, no comments.

Andrew Bentley asked to clarify visible material. Commissioners agreed to clarify it to visible salvage material.

Andrew Bentley asked if there were any concerns with going forward. Cresta Slaugh said as long as it expires March 31st, 2016.

Motion

Andrew Bentley makes a motion to recommend to City Council to allow the Conditional Use Permit for 5D Recycling, with the following conditions:

1. The permit expires on March 31, 2016 and the business will cease operations at their location.
2. No visible salvage material stored in the yard may be seen from any public street, including Hwy 40.
3. The property must be cleaned up by March 31, 2016.
4. 10 designated parking spaces.
5. 100% storm water retention. Storm water must not be directed onto neighboring properties, the public street, or the canal to the south.
6. Any exterior lighting will be directed away from neighboring properties.

Szeth Simmons seconds the motion.

All in favor:

Cresta Slaugh	Aye
Andrew Bentley	Aye
Szeth Simmons	Aye

Motion carried with all voting Aye.
None Opposed.

Heidi Lundberg asked the commission to ratify the January 19th, 2016 minutes to reflect the approval of November 10th, 2015 minutes; not November 17th, 2015.

Motion

Szeth Simmons makes a motion to ratify the minutes for November 10th, 2015. Cresta Slaugh seconds it.

All in favor:

Cresta Slaugh	Aye
Andrew Bentley	Aye
Szeth Simmons	Aye

Motion carried with all voting Aye.
None Opposed.

ITEMS FOR FUTURE DISCUSSION

Andrew Bentley asked for an adjustment board for an appeals process.

ADJOURN

Andrew Bentley motions to adjourn, Szeth Simmons seconds the motion.

All in favor:

Cresta Slauch	Aye
Andrew Bentley	Aye
Szeth Simmons	Aye

Motion carried with all voting Aye.

None opposed.

The next Planning and Zoning meeting will tentatively be held February 16, 2016 in the Naples City Council Chambers @ 7:30 P.M.